

## **REMARKS**

Claims 1-10 were presented and examined. In response to the Office Action, Claims 1 and 6 are amended. Claims 1-10 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

### **I. Claims Rejected Under 35 U.S.C. §103**

A. Claims 1-4 and 6-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. Patent No. 5,359,730 issued to Marron (“Marron”) in view of U.S. Publication No. 2004/0015905 of Huima (“Huima”) and further in view of U.S. Patent No. 5,210,854 issued to Beaverton et al. (“Beaverton”).

The Examiner asserts that Marron explicitly discloses the limitation of exchanging the current pointer with the new pointer, and Beaverton discloses changing the current intrusion detection rule, as recited in previously-presented independent Claims 1 and 6. Applicants disagree with the Examiner’s assertion. In response, Applicant amends elements d) and e) of Claims 1 and 6 to improve clarity. Amended Claims 1 and 6 recite that “the current pointer is pointing to the new intrusion detection rule while the new pointer is pointing to the current intrusion detection rule” and “changing the current intrusion detection rule pointed to by the new pointer to the new intrusion detection rule after the second global variable is reset.” Support for the amendments can be found, for example, in Figure 2 of the application. The cited references, separately or in combination, do not teach or suggest these elements.

The Examiner indicates that Marron discloses that “the current pointer is pointing to the new program and the new program is pointing to the old program” (*see*, page 2 of the Office Action, citing col. 8, lines 49-52 of Marron). However, the cited portion of Marron merely discloses storing pointers to point to new code in an array of addresses that originally point to old code. Marron does not disclose the recited two pointers (the current pointer and the new pointer), with one pointing to a new rule while the other pointing to an old rule. Rather, Marron discloses pointers that first point to old code and then point to new code. There is no indication in Marron that, at any point of time, a current pointer (which originally pointed to an old rule) is pointing to a new rule, while a new pointer (which originally pointed to the new rule) is pointing to the old rule.

Huima does not supply these missing elements in Marron. Rather, Huima discloses a system that receives a new compiled rule, which is inserted into compiled code or replaces some of the existing code (paragraph 31). Huima does not disclose the recited current pointer and the new pointer. Specifically, Huima does not disclose, at any point of time, a current pointer (which originally pointed to an old rule) is pointing to a new rule, while a new pointer (which originally pointed to the new rule) is pointing to the old rule.

Beaverton discloses updating pointers to an old version of firmware when the entire firmware is updated (col. 3, lines 19-25). However, Beaverton also does not supply the missing elements in Marron and Huima. Specifically, Beaverton does not disclose that, at any point of time, a current pointer is pointing to a new version while a new pointer is pointing to an old version. Thus, the cited references, separately or in combination, do not disclose each of the elements recited in amended Claims 1 and 6. Thus, amended independent Claims 1 and 6, as well as their respective dependent claims, are non-obvious over the cited references.

Thus, for at least the foregoing reasons, Claims 1, 6 and their respective dependent claims are not obvious over Marron, Huima and Beaverton. Accordingly, withdrawal of the §103 rejection of Claims 1-4 and 6-9 is respectfully requested.

B. Claims 5 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Marron in view of Huima and Beaverton, and further in view of Stoica, “Stainless Core: A Scalable Approach for Quality of Service in the Internet” (“Stoica”).

Claims 5 and 10 depend from amended independent Claims 1 and 6, respectively, and incorporate the limitations thereof. Thus, for at least the reasons mentioned above, Marron, Huima and Beaverton do not disclose each of the elements of these claims.

Stoica does not supply the missing elements of Marron, Huima and Beaverton. Stoica does not disclose the operations of exchanging a current pointer with a new pointer, and changing the rule pointed by the new pointer after the exchange to match the contents pointed to by the current pointer, as recited in independent Claims 1 and 6. Thus, for at least the foregoing reasons, Claims 5 and 10 are non-obvious over Marron, Huima and Beaverton in view of Stoica.

Accordingly, withdrawal of the §103 rejection of Claims 5 and 10 is respectfully requested.

**CONCLUSION**

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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Marilyn Bass June 17, 2009